1	Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)	
2	WATT, TIEDER, HOFFAR & FITZGERALD, L. 2040 Main Street, Suite 300	L.P.
3	Irvine, CA 92614	
4	Telephone: 949-852-6700 Facsimile: 949-261-0771	
5	Email: jkearl@watttieder.com cholley@watttieder.com	
6	Attorneys for Creditor Barnard Pipeline, Inc.	
7	_	BANKRUPTCY COURT
8		FRICT OF CALIFORNIA
9	SAN FRAN	CISCO DIVISION
10	In re:	Bankruptcy Case
11	PG&E CORPORATION,	Case No. 19-30088 (DM) Chapter 11
12	-and-	(Lead Case)
	PACIFIC GAS AND ELECTRIC	(Jointly Administered)
13	COMPANY,	
14	Debtors.	
15	☐ Affects PG&E Corporation	NOTICE OF CONTINUED PERFECTION OF MECHANICS LIEN PURSUANT TO 11
16	☐ Affects Pacific Gas and Electric Company	U.S.C. § 546(b)(2)
17	□ Affects both Debtors	Sonoma County (Lien 2019005060)
18	* All papers shall be filed in the Lead Case, No. 19-30088 (DM)	
19	110. 19-30088 (DIVI)	
20		
21	Barnard Pipeline, Inc. ("Barnard"), b	y and through its undersigned counsel, hereby gives
22	notice of continued perfection of its mechanic	cs lien under 11 U.S.C. § 546(b)(2), as follows:
23	Barnard has provided and deli	vered labor, services, equipment, and/or materials for
24	the construction and improvements of project	s located in the County of Sonoma, State of California
25	(the "Property"), the legal description for wh	ich is set forth in the Claim of Mechanics Lien, a true
26	copy of which is attached hereto as Exhibit A	A (the "Mechanics Lien").
27	2. The Property is owned by F	PG&E Corporation and/or Pacific Gas and Electric
28	Company (collectively, the "Debtors"), whic	h filed voluntary petitions for relief under Chapter 11

WATT, TIEDER, HOFFAR &

of Title 11 of the United States Code (the "<u>Bankruptcy Code</u>") on January 29, 2019 (the "<u>Petition</u> <u>Date</u>").

- 3. On January 25, 2019, before the Petition Date, Barnard properly and timely recorded its Mechanics Lien under California Civil Code § 8400, *et seq.* in the Official Records of Sonoma County, State of California.
- 4. Through January 25, 2019, the amount owing to Barnard subject to its Mechanics Lien is at least \$58,723.93, exclusive of accruing interest and other charges, and additional amounts which have continued and are continuing, to accrue after the Petition Date.
  - 5. California Civil Code § 8460(a) provides that:

The claimant shall commence an action to enforce a lien within 90 days after recordation of the claim of lien. If the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable[.]

- 6. Pursuant to California Civil Code § 8460, an action to enforce a lien must be commenced within 90 days after recordation of the claim of lien. However, section 362 of the Bankruptcy Code automatically stays Barnard from filing a state court action to enforce its mechanics lien. See 11 U.S.C. § 362.
  - 7. Section 546(b)(2) of the Bankruptcy Code provides that when applicable law

... requires seizure of such property or commencement of an action to accomplish such perfection, or maintenance or continuation of perfection of an interest in property; and ... such property has not been seized or such an action has not been commenced before the date of the filing of the petition; such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, by giving notice within the time fixed by such law for such seizure or such commencement.

See 11 U.S.C. § 362; see also Village Nurseries v. Gould (In re Baldwin Builders), 232 B.R. 406, 410-11 (9<sup>th</sup> Cir. 1999); Village Nurseries v. Greenbaum, 101 Cal.App.4<sup>th</sup> 26, 41 (Cal. Ct. App. 2002).

8. Accordingly, Barnard hereby provides notice of its rights as a lienholder in the Property pursuant to California's mechanics lien law. Barnard is filing and serving this notice to perfect, preserve, maintain, and continue the perfection of its lien and its rights in the Property to

comply with the requirements of California state law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2), and any other applicable law. This notice constitutes the legal equivalent of having recorded a mechanics lien in the recorder's office for the county where the Property is located and then having commenced an action to foreclose the lien in the proper court. By this notice, the Debtors and other parties in interest are estopped from claiming that the lawsuit to enforce Barnard's mechanics lien was not timely commenced pursuant to applicable state law. Barnard intends to enforce its lien rights to the fullest extent permitted by applicable law. The interests, perfected, maintained, or continued by 11 U.S.C. § 546(b)(2) extend in and to the proceeds, products, offspring, rents, or profits of the Property.

- 9. The filing of this notice shall not be construed as an admission that such filing is required under the Bankruptcy Code, the California mechanics lien law, or any other applicable law. In addition, Barnard does not make any admission of fact or law, and Barnard asserts that its lien is senior to and effective against entities that may have acquired rights or interests in the Property previously.
- 10. The filing of this notice shall not be deemed to be a waiver of Barnard's right to seek relief from the automatic stay to foreclose its mechanics lien and/or a waiver of any other rights or defenses.

11. Barnard reserves all rights, including the right to amend or supplement this notice.

Dated: April \_\_\_\_\_\_\_\_, 2019

WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.

By:

Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)

2040 Main Street, Suite 300

Irvine, CA 92614

Telephone: 949-852-6700 Facsimile: 949-261-0771

Email: jkearl@watttieder.com cholley@watttieder.com

Attorneys for Creditor Barnard Pipeline, Inc.

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25

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IRVINE

# **CERTIFICATE OF SERVICE**

I hereby certify that on April 2019, I caused a copy of the foregoing Notice of Continued Perfection of Mechanics Lien Pursuant to 11 U.S.C. § 546(b)(2) to be sent via e-mail and/or first-class mail to the parties identified in the Master Core/2002 Service List attached hereto as Exhibit B.

Jane G. Kearl

WATT, TIEDER,
HOFFAR &
FITZGERALD, L.J.

Doc# 1430

Filed: 04/15/19 E

NOTICE OF CONTINUED PERFECTION OF Entered: MAPPENING \$ 1.12 N. AURS PANE TO OF U.S.C. §

275-214
[Rev. 09/20/13]
PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:
Barnard Pipeline, Inc.

#### WHEN RECORDED MAIL TO:

NAME: Watt, Tieder, Hoffar & Fitzgerald, LLP

ADDRESS: 2040 Main Street, Suite 300

CITY/STATE/ZIP: Irvine, CA 92614

2019005060

Official Records Of Sonoma County Deva Marie Proto 01/25/2019 11:06 AM GENERAL PUBLIC

MECHL 4 Pgs Fee: \$105.00

PAID

A CONTRACTOR OF THE PROPERTY O

THIS SPACE FOR RECORDER'S USE ONLY

# **DOCUMENT TITLE**

**MECHANICS' LIEN** 

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (Govt. Code 27361.6) (additional recording fee applies)

Case: 19-30088 Doc# 1430 Filed: 04/15/19 Entered: 04/15/19 13:21:40 Page 6 of

Recording requested by: Barnard Pipeline, Inc.

And when recorded mail this document to:

Jane G. Kearl, Esq. Robert C. Shaia, Esq. Watt, Tieder, Hoffar & Fitzgerald, LLP 2040 Main Street, Suite 300 Irvine, CA 92614

For recorder's use

# MECHANICS' LIEN (Cal. Civ. Code § 8416, et seq.)

1. BARNARD PIPELINE, INC. ("Claimant") claims a mechanics lien for the labor, services, equipment and/or materials described in paragraph 2, furnished for a work of improvement on that certain real property located in the City of Petaluma, County of Sonoma, State of California, and more particularly described as:

All right, title and interest of Pacific Gas and Electric Company ("PG&E") in all easements and all improvements, structures, and pipelines therein, in or on which Claimant provided labor, services, equipment, and/or materials as set forth in paragraph 2, including, specifically, without limitation, all right, title and interest of PG&E in improvements, structures and pipelines located approximately at 1480 Schollenberger Park Rd., Petaluma, California.

- 2. After deducting all just credits and offsets, the sum of \$58,723.93 together with interest at the rate of 10% per annum from January 22, 2019, is due Claimant for the following: labor, services, equipment and/or materials for gas transmission potholing services for depth of pipe location, and related construction work performed under the Alliance Agreement Contract between Claimant and PG&E and Contract Work Authorization No. C4981, or as otherwise requested by PG&E.
- 3. Claimant furnished the labor, services, equipment and/or materials, at the request of: PG&E.
- 4. The name and address of the owner(s) or reputed owner(s) of the real property is/are: PG&E, 77 Beale Street, 32<sup>nd</sup> Floor, San Francisco, CA 94105.

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5. Claimant's address is: 701 Gold Avenue, Bozeman, MT 59715.

Dated Jany 22, 2019

BARNARD PIPELINE, INC.

Zach Bowler, Vice President

#### **VERIFICATION**

I, Zach Bowler, am the Vice President of Claimant on the foregoing Mechanics Lien and am authorized to make this verification for and on its behalf. I have read the foregoing Mechanics Lien and know the contents of the Mechanics Lien to be true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated <u>January</u> 22, 2019

Zach Bowler, Vice President

## **NOTICE OF MECHANICS LIEN**

#### **ATTENTION!**

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

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### PROOF OF SERVICE

I, Julie Benton, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2040 Main Street, Suite 300, Irvine, California 92614-6232.

On January 23, 2019, I served  $\square$  the originals  $\boxtimes$  true copies of the following document(s) described as MECHANICS LIEN and NOTICE OF MECHANICS' LIEN on the interested parties in this action, by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Irvine, California addressed as set forth below:

Pacific Gas & Electric Company (PG&E) 77 Beale Street, 32<sup>nd</sup> Floor San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 23, 2019, at Irvine, California.

Julie Benton

WATT, TIEDER,
HOFFAR &
FITZGERALD, L.L.P.
ATTORNEYS AT LAW
INVINE

PROOF OF SERVICE

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1	949-313-5029 Csimon@dergerkeinscom	949-313-5029	949-474-1880	92614	Q	irvine		1 Park Plaza Suite 340	Attn: Mister of, times	ile.	Counsel for Infosys Limited, Counsel for ACRT, Inc.
	kenns@beneschlaw.com	312-767-9192	415-659-7924	94104	S	San Francisco	Suite 4925	555 California Street	_	BENESCH, FRIEDLANDER, COPLAN & ARONOFF	
	mbarriegaenescriaw.com	302-442-7012	302-442-7010	19801	30	Wllmington	Suite 801	222 Delaware Avenue	Barrie	BENESCH, FRIEDLANDER, COPLAN & ARONOTE	Counsel for Infasys Limited. Counsel for ACRT, Inc.
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	tmccurnin@bkolaw.com		214-521-5000	75219	×	Dallas		#1100	Attn: Scott Summy, John Fiske	Baron & Budd, P.C.	Counsel for Creditors
	ifiske@baronbudd.com		714 571 2605					3102 Oak Lawn Avenue	Attn: John McCuswer	Bank of America	Counsel for Bank of America, N.A.
	John, mccusker @ parmi.com		646-855-2464	10036	NY	New York	One Bryant Park	Mail Code: NY1-100-21-01	Attn: Mattnew G. Summers	Ballard Spahr LLP	ENCO Limited and Louislana Energy Services, LLC
	summersm@ballardspahr.com	410-361-8930	302-252-4428	19801	DE S	Wilmington	11th Floor	1 East Washington Street	Myers	BALLARD SPAHR LLP	Discovery Hydrovac
	myersms@ballardspahr.com			R5004-2555	Δ7	Phoneile			Attn: Craig Solomon Ganz, Michael S.	Gallet a Speen Fra	Counsel for Realty Income Corp., Counsel for
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		_	415-291-6200	94111	8	San Francisco	Suite 3600	101 California Street	Attn: Navi S, Dhillon	Baker Botts L.L.P.	Counsel for NRG Energy Inc., Clearway Energy, Inc., and Clearway Energy Group ILC
1	Kevin.Chiu@BakerBotts.com		214-953-6500	75201	×	Dallas	Suite 1000	2001 Ross Avenue	Attn: C. Luckey McDowell, Ian E. Roberts, Kevin Chiu	Baker Botts LL.P.	Counsel for NRG Energy Inc., Clearway Energy, Inc., and Clearway Energy Group LLC
-	lan.Roberts@BakerBotts.com			341	Ş	San Francisco	Suite 100	1160 Battery Street	Attn: Robert A. Julian, Cecily A. Dumas	BAKER & HOSTETLER, LLP	Claimants
	cdumas@bakerlaw.com		415-542-8730					C 14004 Milesing Street	Attn: Eric E. Sagerman, Lauren I. Attalo Litora wilding Green	BAKER & HOSTETLER, LLP	laimants
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	James Potter@doj.ca.gov	213-897-2802	213-269-6326	90013	ς	Los Angeles	Suite 1702	300 South Spring Street	Attn: XAVIER BECERRA, MARGARITA PADILLA, and JAMES POTTER		Contract to Camothia State Affections
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	Beth.Brownstein@arentfox.com lordana.Renert@arentfox.com	212-484-3990	212-484-3900	10019	YN	New York	aand Floor		Attn: Andrew I. Silfen, Beth M.	ANDREWS & HORWION	Counsel to Agajanian, Inc.  Counsel for BOKF, NA, solely in its capacity as
	jct@andrewsthornton.com aa@andrewsthornton.com Andrew.Slifen@arentfox.com	949-315-3540 aa	949-748-1000	92660	S	Newport Beach	Suite 300	4701 Von Karman Ave	Attn: Anne Andrews, Sean T. Higgins,		
	dbotter@akingump.com shiggins@andrewsthornton.com	212-872-1002 dt	212-872-1000	10036	NA	New York		One Bryant Park	Attn: Michael S. Starner, Ira S. Dizengoff, David H. Botter	Akin Gump Strauss Hauer & Feld LLP D	Counsel to the Ad Hoc Committee of Senior Unsecured Noteholders of Pacific Gas and Electric Company
	dizengoff@akingump.com	E =					Control	Too Avenue of the Tame	Attn: David P. Simonds	Akin Gump Strauss Hauer & Feld LLP	
	dsimonds@akingump.com	310-229-1001 ds	310-229-1000	90067	S	Los Angeles	Suite 600	G .	State Parish and Common		Noteholders of Pacific Gas and Electric Company  Counsel to the Ad Hoc Committee of Senior Unsecured
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	obn.mitchell@akerman.com	214-981-9339 jol	214-720-4300	75201	¥	Dallas		2001 Ross Avenue, Suite 3600	Attn: JOHN E. MITCHELL and YELENA		
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	ASymm@aeraenergy.com	2	661-665-5791	93311	\$	Bakersfield			Attn: Bon A Symm	DI, AT CO	LC, Midway Sunset
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In re: PG&E Corporation, et al. Master Service Ust Case No. 19-30088

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john.moe@dentons.com	213-623-9924	213-623-9300	90017-5704	geles CA	Los Angeles	Suite 2500	601 S. Figueroa Street	Attn: John A. Moe, II	Deproper IK II P	Counsel for Capital Power Corporation and Halkirk I
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ell.vornegut@davispolk.com david.schiff@davispolk.com timothy.graulich@davispolk.com	212-701-5331	217.450 4331						Ann: Ell J. Vonnegut, David Schiff,	DANS PUIK Q. WOOLUNCII KA	the Utility Revolving Credit Faculty Coursel for the agent under the Debtors' proposed debtor in possession financing facilities, Coursel for debtor in possession financing facilities for the Hillip
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tkoegel@crowell.com	202-624-2935	415-986-2800	94111	1	THICONY	and David	1001 Pennsylvania Ave.,	Attn: Tacie H. Yoon	Crowell & Moring LLP	Counted to Bonakeanne Reinsurance LTD.
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implevin@crowell.com			20000		Woodship	Room 201	625 Court Street	Attn: Eric May	COUNTY OF YOLO	Attorney for County of Sonoma
eric may@yolocounty.org	530-666-8279	707-565-2421	95403	osa CA		Drive, Room 105A	Center	Attn: Tambra Curtis	County of Sonoma	
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fpltre@cpmlegal.com acordova@cpmlegal.com ablodgett@cpmlegal.com	650-697-0577	550-597-5000				Ice 840 Malcolm Road	San Francisco Airport Office	Attn: Frank M. Pitre, Alison E. Cordova,		Individual Plaintifs Executive Committee appointed by the California Superior Court in the North Bay Fire Cases, Judicial Council Coordination Proceeding
			200000000	5	Milibrae	PO Box 669	700 El Camino Real		COREY, LUZAICH, DE GHETALDI & RIDDLE LLP	and for Fire Victim Creditors
alr@coreylaw.com smb@coreylaw.com sm@coreylaw.com	850-871-4144	650-871-5666	94030-0669					Attn: Dario de Ghetaldi, Amanda L. Riddle, Steven M. Berki, Sumble	Cooper, White & Cooper LLP	Volcano Telephone Company and TDS Telecom
deg@coreyiaw.com		411 101 1000	94111	ncisco CA	San Francisco		Fhoor	Atta: Pater C Califano		Telephone Co., Sierra Telephone Company, Inc.,
pcalifano@cwdaw.com	415-433-5530	415-493-1900					201 California Street, 17th			Lex Jernies Counsel for Gowan Construction Company Inc., Calaxeras Telephone Company, Kerman Telephone Co., Pinnades Telephone Co., The Ponderosa
13-11-OCC - On the Olive Service Service	717-787-7671	717-787-7627	17121	Tg PA	Harrisbur	702	Collections Support Unit	Department of Labor and Industry	Commonwealth of Pennsylvania	
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mschierberl@cggsh.com	212-225-3999	212-255-2000	30006					Attn: Usa Schweitzer, Margaret	Clausen Miller F.C.	Bermuda Umited, Ashford Inc., Ashford Hospitality
mgoodin@dausen.com lschweitzer@cgsh.com	949-260-3190	949-260-3100	92614	S	livine	e Sulte 650	17901 Von Karman Avenue	Arra Michael W Goodin		Chubb
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kwinick@clarktrev.com	213-624-9441	213-629-5700	90017	CA CA	tos Angeles	12th Floor	800 Wilshire Boulevard	Attn: Kimberly S. Winick	Clark & Trevithick	
marmstrongiecherton.com	-		94583	CA	San Ramor	d 172110	6001 Bollinger Canyon Road	Artn: Melanie Cruz, M. Armstrong	OF CHEVRON U.S.A. INC.	y, a division of
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In re: PGRE Corporation, et al. Master Service List Case No. 19-30088

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In re: PG8E Carparation, et al. Master Service Ust Case No. 19-30088

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Production   Pro			415-391-6956	415-981-7210	94108	ς	San Francisco	26th Floor	650 California Street	Attn: Michael A. Kelly, Khaldoun A. Baghdadi, Max Schuver		Individual Paintiffs Executive Committee appointed or the California Superior Court in the North Bay Fire Cases, Judicial Council Coordination Proceeding Number 4955, Pursuant to the terms of the Court's Constitution
This Substitution of Control (Control		busch@wybriaw.com	415-371-0500	415-357-8900	94111	S	San Francisco	Suite 725	100 Pine Street	Attn: James M. Wagstaffe & Frank Busch		Counsel to Public Employees Retirement Association of New Mexico
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C. Taylor English Duma LLP Attn: John W. Mills, III 1600 Parkwood Circle Suite 200 Atlanta GA 30339 770-434-6868	NA.	milis@taylorenglish.com laniel@thebklawoffice.co	770-434-7376 (c 916-242-8588 d	770-434-6868 800-920-5351	30339	GA A		Suite 200	Ele .	-	Taylor English Duma LLP	Counsel for BrightView Enterprise Solutions, LLC, Counsel for Granite Construction tocomorated, BrightView Landscape Services, Inc.

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